IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9365 of 2004

Between:

V.G.S.Naidu S/o.Subbanna
M/s Sai Wines R/o.Kirikera village,
Indupur Mandal Ananthapur Dist

..... PETITIONER

AND

The Deputy Commissioner of Prohibition and Excise Ananthapur Division, at Ananthapur

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent in seizing the lickor in Crime No.30/2004-05 on the file of the Excise Station, Indupur though the said lickor are duty paid lickor having valid permit bearing No.1390, Dt.20/04/2004 and permit No.1566, Dt.22/4/2004 as issued by the Prohibition & Excise Inspector, Anantapur for its transportation from APBCL Depot at Ananthapur to M/s Sai Wines at Kirikera village, Indupur Mandal, Ananthapur District as illegal, unlawful and contrary to law and facts on record and consequently dirct the respondent to release the lickor which are covered by the above two permits to the petitioner so as to enable him to sell the same through his wine shop and pass such other order.

Counsel for the Petitioner:MR.M.DAMODAR REDDY

Counsel for the Respondent: GP FOR PROHIBITION & EXCISE

The Court made the following :

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ORDER:

Heard the learned Counsel for the petitioner and also the learned Government Pleader for Prohibition and Excise appearing on behalf of the respondent.

The only grievance of the petitioner in this Writ Petition is that while releasing the vehicle, which has been taken into custody, the respondent is insisting to furnish bank guarantee to the cost of vehicle instead of accepting the 3rd party security or property surety. The petitioner is submitted that it is not possible for him to furnish bank guarantee, but he can furnish 3rd party security. Having regard to the same, there cannot be any impediment in giving such 3rd party security.

The Writ Petition is, accordingly, disposed of directing the respondent herein to permit the petitioner to furnish 3rd party security to the satisfaction of the authority. No costs.

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B.PRAKASH RAO, J.

Dated 23-07-2004.

Note: Issue C.C. in one week.

B/O

SKMR

To

1. The Deputy Commissioner of Prohibition and Excise Ananthapur Division at Ananthapur,

2. 2CCs to G.P. for Prohibition and Excise, High Court Buildings,

Hyderabad, A.P. (OUT).

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